

DEAR APPLICANT:

In an effort to assist with your application to the Board of Adjustment this packet has been prepared for your reference.

Enclosures:

- Application Instruction Packet
- Application
- Review Transmittal Form
- Findings of Fact (for variances only)
- Notification & Posting Requirements
- Certificate of Mailing & Posting Affidavit
- Notice of Public Hearing Template
- Verified Petition (for appeals only)
- Notification List/Mailing Log
- BOA Schedule

Upon review of the submitted application, staff will contact the applicant/agent to discuss procedural requirements.

If you have any questions, please feel free to contact me at (505) 955-6587.

Best regards,

Daniel Esquibel
Land Use Planner Senior

APPLICATION INSTRUCTION PACKET

The following information and documentation is required prior to scheduling your request for consideration by the Board of Adjustment at their next, available, regularly-scheduled monthly meeting. Please complete and submit by the submittal deadline date, as indicated on the attached Board of Adjustment schedule. Please contact staff with questions regarding submittals to avoid delay or rejection of your application.

PREREQUISITES

EARLY NEIGHBORHOOD NOTIFICATION (ENN)

Applicants pursuing consideration by the Board of Adjustment may be required to hold an Early Neighborhood Notification (ENN) meeting. This is a prerequisite to filing formal applications (except for residential variances). Please coordinate this meeting with the ENN Planner.

PRE-APPLICATION CONFERENCE

Applicants pursuing consideration by the Board of Adjustment shall schedule an appointment with a case manager to discuss Board scheduling, processing and submittal. A scaled copy of a preliminary plan should be prepared for the conference. Please contact the BOA case manager at (505) 955-6587 for an appointment.

LOT OF RECORD

Submit a copy of the plat of survey to the case manager and secure legal lot of record verification prior to making application. The copy should be stamped by plan review staff and submitted with your application.

SUBMITTALS

VICINITY MAP

Submit a legible site location map indicating property location in relation to closest intersecting streets. Clearly identify the property location.

APPLICATION

Complete application and secure required signatures. In all cases, the property owner's signature is required.

LETTER OF APPLICATION

Submit a detailed letter of application explaining specific reasons for the application request. Address the letter to the Board of Adjustment members. This letter will be included as part of the staff report (please type or print legibly).

FINDINGS OF FACT (variance only)

Accurately answer all questions on the Findings of Fact form in a manner which demonstrates how the literal enforcement of the code provisions result in an unnecessary hardship. One form for each variance is requested.

SITE PLAN

Submit a scaled site plan (minimum scale 1" = 20') accurately depicting boundary descriptions, all easements of record, street location(s) and name(s), all existing and proposed buildings and structures, their use, setbacks from the property lines, parking layout, and other applicable district standards/requirements. Clearly label (cross-hatch) proposed building/structure requiring a variance.

FLOOR PLAN

Submit scaled floor plans (minimum scale 1/8" = 1') depicting existing and proposed conditions including interior building layout. For all nonresidential applications, a net leasable area calculation and off-street parking analysis is required.

EXTERIOR BUILDING ELEVATIONS

Submit scaled elevation drawings (minimum scale 1/8"=1') of the existing and proposed building/structures. Dimension vertical height from finish grade on center of each facade to the highest part of the structure.

ENN

If an ENN meeting is required, submit a copy of a narrative response to ENN guidelines.

NOTIFICATION

If an ENN meeting is required, submit notification information as required for the ENN notification process. This same listing will be needed for the required public hearing notification later in the application process.

If an ENN meeting is not required, submit a copy of the tax map on file with the **County Assessor's Office** along with a printout of the following:

- 1) All owners of record and neighborhood associations within 200 ft. of the subject property, exclusive of public right-of-way; and
- 2) All physical addresses within 200 ft. of the subject property, exclusive of public right-of-way.

List all names and addresses on the Notification List/Mailing Log. Please type or print legibly.

FEES

Variance	\$100 per variance
Appeal	\$25 per request
Special Exception	\$300 per request
Poster	\$20 per poster (one required for each application)

PLANS

In cases when plans are drawn on sheets larger than 8 ½ x 11, (12) sets must be submitted with one full set reduced to letter or legal size. Otherwise, if plans are drawn on letter or legal size sheets, please submit in duplicate. In all cases when colored documents are provided, ten (10) sets shall be submitted.

GENERAL NOTE

This packet has been prepared to assist you with your application to the Board of Adjustment and is not to be construed as a full representation of all city code regulations. Applicants are advised to refer to applicable district code requirements and standards in determining needed applications prior to submitting an application.

BOA APPLICATION

Check to indicate application type:

☐ Variance
☐ Appeal
☐ Special Exception
☐ Other _____

Date: _____ Zone District: _____

Property Owner's Name: _____

Phone # _____ Fax _____

Property Owner's Mailing Address: _____

Agent's Name: _____

Agent's Mailing Address: _____

Phone # _____ Fax _____

ENN Meeting Date: _____ Referring Official: _____

<u>VARIANCE REQUESTED (if, applicable)</u>	<u>FROM</u>	<u>TO</u>	<u>APPLICABLE CODE §</u>
Front yard setback	_____	_____	_____
Side yard setback	_____	_____	_____
Rear yard setback	_____	_____	_____
Lot coverage	_____	_____	_____
Number of Parking Spaces	_____	_____	_____
Height	_____	_____	_____
Other	_____	_____	_____

SUBMITTAL CERTIFICATION

I hereby certify that the information/documentation submitted for review and consideration by the City Board of Adjustment has been prepared in accordance with the submittal instructions, and that failure to include the minimum submittals may result in delay or rejection of my application. I also certify that the signature affixed on this application is that of the property owner and authorized agent.

Property Owner's Signature/Date

Agent's Signature/Date

FINDINGS OF FACT

Pursuant to Section 14-3.16 (C) SFCC (2003¹), applicant(s) seeking variance consideration by the City Board of Adjustment are requested to demonstrate how literal enforcement of the provision of this chapter would result in unnecessary hardship. Please provide a response to the following criteria:

- 1) Special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same district, and which do not result from the actions of the applicant;

- 2) Literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this chapter;

- 3) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to owners of other lands, structures or buildings in the same district. No nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance;

- 4) The variance is the minimum variance that will make possible the reasonable use of the land, building or structure;

- 5) Granting the variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Use addendum sheet if necessary

¹ As codified by Ordinance No. 2001-38, adopted December 12, 2001 and as amended through Ordinance No. 2003-33 including Ordinance amendments through September 30, 2003.

VERIFIED APPEAL PETITION

I(We), _____, the undersigned, first being sworn on our oath, depose and hereby submit to the Board of Adjustment this petition, duly verified, setting forth the following:

- ### 1. How such petition constitutes an appeal?

- 2. How such decision is illegal in whole or in part?**

- 3. The specific ground(s) of the illegality.**

(Please attach addendum sheet if necessary)

VERIFICATION

STATE OF NEW MEXICO)) SS.
COUNTY OF SANTA FE)

I(We), _____,
being duly sworn, deposes and says: That he/she has read the foregoing appeal and
knows the contents thereof and that the same are true to his/her own knowledge.

PETITIONER
Subscribed and sworn to before me this _____ day of
20__.

NOTARY PUBLIC

CITY OF SANTA FE, NEW MEXICO
P.O. Box 909, 200 Lincoln Ave., 87504-0909

NOTICE OF PUBLIC HEARING

DEAR PROPERTY OWNER/NEIGHBOR;

Case # (-)-(200--)-(--)

Notice is hereby given that the **(Board of Adjustment)** of the City of Santa Fe, New Mexico will hold a public hearing in the City Council Chambers, 200 Lincoln Avenue on Wednesday, **(date)** at 6:00 p.m. to act on a request by **(applicant)**, owner, for a(n) **(type of application)** **(of Section ----)** to permit construction of a **(-----)**. Property zoned **(current zoning of property)**. Property located at **(address)**.

Applicant's Signature

Date

Questions may be directed to the City's Permit and Development Review Division @ 955-6585. Interested parties may attend and be heard prior to the board taking action.

Meeting room location may be subject to change. It is recommended that interested parties contact the Permit and Development Review Division prior to the public hearing date to confirm meeting location.

NOTE: New Mexico law requires the following administrative procedures to be followed by zoning boards conducting quasi-judicial hearings. In quasi-judicial hearings before zoning boards, all witnesses must be sworn in, under oath, prior to testimony and will be subject to cross-examination. Witnesses may have the right to have an attorney present at the hearing. The zoning board will, in its discretion, grant or deny requests to postpone hearings.

CITY OF SANTA FE, NEW MEXICO

P.O. Box 909, Lincoln Ave., 87504-0909

BOARD OF ADJUSTMENT

NOTIFICATION & POSTING REQUIREMENTS

Case # (?)-(YEAR)-(#)

Once formal application is made and a case number is assigned, the applicant shall satisfy the following requirements:

- 1) No later than 12:00 Noon on **(Date 20 days prior to BOA meeting date)** the City must submit a "Notice of Public Hearing" to the Santa Fe New Mexican.
- 2) No later than **(Date 16 days prior to BOA meeting date)** the applicant must:
 - a) Mail by certified-return receipt requested, "Notice of Public Hearing" letters to all owners of record, and affected neighborhood association(s) registered with the city within 200 feet of the subject property, excluding public right-of-way;
 - b) Mail by first class mail, "Notice of Public Hearing" letters to all physical addresses within 200 feet of the subject property not notified in a) above, excluding public right-of-way;
 - c) Post required "Notice of Public Hearing" poster(s) (obtained from the Permit & Development Review Division) on the subject property in such a manner that the notice is prominently visible to the general public.
- 3) No later than **(Date 9 days prior to BOA meeting date)** the applicant must return all mailing receipts and the "Certificate of Mailing and Posting Affidavit" to the Permit and Development Review Division. Return receipts shall be returned to the case manager by **(Date 2 days prior to BOA meeting date)**.
- 4) The Board of Adjustment may choose to conduct a site visit on **(Date 6 days prior to BOA meeting date)**. As a visual aid to the Board during their site visit, it is **strongly recommended** that exterior footings be laid out by chalking, stringing or flagging.
- 5) Applicant must attend or be represented at the public hearing on Wednesday, **(Date of BOA meeting)** at 7:00 p.m. in the City Council Chambers.

I hereby certify I understand the aforementioned requirements and that failure to comply may result in the postponement or denial of my application.

Applicant's Signature/Date

Case Manager's Signature/Date

CITY OF SANTA FE, NEW MEXICO

P.O. Box 909, Lincoln Ave., 87504-0909

CERTIFICATE OF MAILING & POSTING AFFIDAVIT

CASE # (?)-(YEAR)-(#)

**TO BE FILLED OUT BY APPLICANT & RETURNED
TO PERMIT AND DEVELOPMENT REVIEW DIVISION**

I hereby certify that "Notice of Public Hearing" letters were mailed on **(Date, Year)** as prescribed on the Notification and Posting Requirement form attached to the application.

I also certify that the required "Notice of Public Hearing" poster(s) was/were posted on **(Date, Year)** in a manner prominently visible to the general public.

Applicant's Signature/Date

Note: Attach mail-out receipts, a copy of the mailing list, and County Assessor's Map highlighting owners of record and physical addresses notified of the scheduled public hearing. Double check map to ensure compliance with 200 ft. radius requirement.